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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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DIVECHA, KAMAL B

ART UNIT	PAPER NUMBER
2151	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/007,129	EISENBERG, ALFRED
	Examiner	Art Unit	
	KAMAL B. DIVECHA	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>28 April 2008</u>.

2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-54</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-54</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

This Action is in response to communications filed 4/28/08.

Claims 1-54 are pending in this application.

Response to Arguments

Applicant's arguments filed in the communications have been fully considered but they are not persuasive.

In the communications filed, applicant argues in substance that:

a.   The primary cited reference neither teaches nor suggests having two servers collaboratively **providing separate communication channels** (i.e. using IM server to initiate video server) between two nodes (remarks, pg. 14).

In response to argument [a], Examiner disagrees.

Independent claim 1 recites:

A system, functionally associated with at least two client nodes, comprising:
an instant messaging server for supporting instant messages between the at least two client nodes;
a second server for supporting a video conference between the at least two client nodes;
a video conference allocator, communicatively coupled to said instant messaging server and said second server, *said video conference allocator adapted to initiate video conference in said second server in response to a request for a video conference from said instant messaging server* and said allocator is further adapted to communicate to the at least two client nodes, via said instant message server, conference information enabling the at least two client nodes to join the video conference.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., providing separate communication channels between two nodes) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification

are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.

1993).

> b. The second reference neither teaches nor suggests a video conference allocator
> which is adapted to initiate a video conference in said second server in response to a
> request for a video conference from said instant messaging server, and said allocator
> further adapted to communicate to the at least two client nodes, via said instant
> messaging server, conference information enabling the at least two client nodes to join
> the video conference (remarks, pg. 14).

In response to argument [b], Examiner disagrees.

Initially, **applicant specification discloses:**

> "Video conferences among video conferencing client are initiated and supported by **a video conferencing server 24, also referred to herein as a multipoint conferencing unit (MCU).** The MCU can be of the type..", pg. 5 lines 1-10.
> "Conventionally, **video conferences are initiated on the MCU 24 by one of the VC clients identifying the "invitees" or participants in a video conference such as by visiting a web page supported by the MCU 24.** In response, the MCU 24 contacts each of the participants and sets up communication links with them or their associated gateways using a video conferencing protocol. When the conference begins, the MCU 24 transmits and receives conferencing data to and from the participating clients. The conference can be initiated using a server, referred to herein as a "click-to-meet" CTM server 20, which supports the web page at which the vide~ conference is initiated by one of the VC clients identifying the participants. The CTM server 20 interfaces with a database 22 which stores the identities and contact information for all potential participants in a conference. The database 22 also stores the communication modes used by each...", pg. 5 lines 20-29.
> "The IM client module 16 and the video conference module 18 within each client 12 are interface to each other. When an instant message setting up a video conference is sent by a client 12 via its IM client module 16, the video conference module 18 detects the message. **It extracts information from the message which is used to set up the video conference automatically through the CTM server 20. The information extracted from the IM can include the identity, address and communication mode for each prospective participant in the conference. Once the CTM server 20 receives this information, it can initiate the conference via the MCU 24...**", pg. 6 lines 11-22.
> "There are two scenarios that are addressed in accordance with the invention. The two scenarios include IM users inviting other IM users to participate in a video conference and H.320 standard protocol users calling IM users. For either scenario, the following items are provided in accordance with the invention.
>
> A. **An intelligent server side component (IM Call Router) to** handle conferencing requests on behalf of IM clients and/or the Intelligent H.323 call router.

      B. **ASP components** for dispatching incoming calls, dispatching and allocating conferences, and notifying the IM Call Router of certain events.

      C. An additional channel between the IM clients through the IM server to the IM Call Router to communicate A/V conference requests and information...

      2.1 **IM user Invites IM user(s)**

      When one IM user invites another IM user into A/V conference, a private communications channel is opened through the IM Server to the IM Call Router. The IM Call Router initiates a conference via the conference allocator, with the appropriate attributes determined by the capabilities of endpoints (determined from Presence info and IM DB Properties). Once the conference information (IP, conference ID, potentially other conference attributes) is determined, the conference dispatcher initiates the location and invitation of the user through IM Call Router. Eventually the IM Call Router will get the conference information to the invitee(s) of which conference to connect to, and the connection will be initiated by the client through the CUseeMe Web SDK"., pg. 11 lines 7 to pg. 12 lines 7.

The primary reference, i.e. Gudjonsson discloses initiating a video conference between the two IM clients using the IM utility, as shown in the reproduced figure.
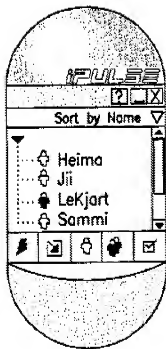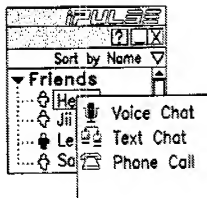

FIG. 8

FIG. 9

As acknowledged by the applicant, e.g. remarks, pg. 15, Gudjonsson discloses that messages **are not sent directly between users, but instead through at least one intermediate** routing service (RS) provided on a server of the users, as shown in the reproduced figure.
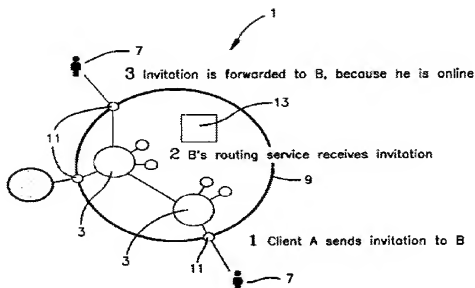

FIG. 3

In other words, when the user initiates a video conference through the IM utility, the initiation will be routed to the **routing service first, i.e. IM server**. That is, the user uses the first communication session such as IM session to initiate a second session such as video conference between user 1 and user 2.

The primary reference also discloses a second server, more specifically, the MCU, e.g. fig. 11.

However, the primary reference does not disclose allocator adapted to communicate to the at least two client nodes, via said instant messaging server, conference information enabling the at least two client nodes to join the video conference.

As acknowledged by the applicant, remarks, pg. 16, Bruno discloses "when a user at one of these multimedia terminals wants to establish a videoconference among ...**the originator calls a meeting reservation and control system (MRCS) associated with MCU. MRCS manages meeting reservations, resource allocation...**a conference identifier is then provided which is thereafter used by the user at east...to establish a connection to the MCU".

In other words, MRSC is a server, more specifically a messaging server, that receives initial requests for conferences and **allocates the resources** and further provides the information to the clients which can use the provided information to join the conference at the MCU. That is, MRSC is a combination of a messaging server and allocator.

Incorporating the MRCS server which is associated with MCU into the primary reference, more specifically, into the routing service server and/or IM server, results in an allocator adapted to communicate to the at least two client nodes, via said instant messaging server, conference information enabling the at least two client nodes to join the video conference at the second server, i.e. MCU.

See KSR International Co. v. Teleflex Inc., 550 U.S. ___,___, 82 USPQ2d 1385, 1395-97 (2007) identified a number of rationales to support a conclusion of obviousness which are consistent with the proper "functional approach" to the determination of obviousness as laid down in Graham. The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in KSR noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit, and **MPEP 2143.** [<u>EXEMPLARY RATIONALES:</u>

Exemplary rationales that may support a conclusion of obviousness include:
(A)   Combining prior art elements according to known methods to yield
predictable results;
(B)   Simple substitution of one known element for another to obtain predictable
results;
(C)   Use of known technique to improve similar devices (methods, or products)
in the same way;
(D)   Applying a known technique to a known device (method, or product) ready
for improvement to yield predictable results;
(E)   "Obvious to try" – choosing from a finite number of identified, predictable].

In the response filed, it appears that applicant is addressing the *prima facie case of
obviousness* [based on the combination of references] by attacking the references individually
and/or focusing on the references separately.

MPEP 2145 (IV) clearly sets forth: One cannot show nonobviousness by attacking
references individually where the rejections are based on combinations of references. In re
Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., Inc., 800 F.2d 1091,
231 USPQ 375 (Fed. Cir. 1986).

c.   The primary reference makes no suggestion of using a first communication
session or server between two nodes to establish a second communication session
between the same two nodes through a second server (remarks, pg. 15).

In response to argument [c], Examiner disagrees for the same reasons as set forth in
response to argument [b].

i.   The primary reference simply has no relevance to the claimed invention
(remarks, pg. 15).

In response to argument (i), Examiner disagrees.

In fact, the applicant specification, in its clear context, suggests the usage of both **iPulse server and iPulse IM client**, e.g. pg. 14 lines 5-10, pg. 9 lines 5-12.

As such, the primary reference is clearly relevant to the claimed invention. In fact, the primary reference discloses the similar invention.

ii.   The video conference allocator taught in Bruno is manually initiated through a call to a meeting reservation and control system…Bruno teaches that a user wishing to initiate a video conference manually/directly requests a connection from a MCRS, which MCRS has no connection to the messaging server (remarks, pg. 16-17).

In response to (ii), Examiner disagrees for the same reasons as set forth in response to argument [b].

d.   Neither cited reference teaches nor suggests a video conference server resource allocator nor a resource allocator communicatively coupled to an instant messaging server utilizing the collaboration of two or more servers as claimed in independent claims 1 and 28 (remarks, pg. 17). Thus, the Examiner appears to have used both improper hindsight and applied erroneous technical judgment in support of his 103 rejection. A simple misreading of the references is also a possibility (remarks, pg. 17).

In response to argument [d], Examiner disagrees for the same reasons as set forth in response to argument [b].

Furthermore and in response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account **only knowledge which was within the level of ordinary skill** at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, **such a reconstruction is proper. See *In re McLaughlin*,** 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Applicant has also not provided even a single reasoning for the alleged erroneous technical judgment and/or simple misreading of the references.

In fact, it appears as if **applicant is ignoring and/or disregarding his own specification** in interpreting the claimed Invention.

For example:

On page 15 of remarks, applicant alleges that "the primary reference simply has no relevance to the claimed invention", **but fails** to note that the specification clearly suggests the usage of iPulse server and utility, e.g. pg. 9 lines 5-12, pg. 14 lines 5-10.

Secondly, throughout the remarks, applicant alleges that Bruno and/or the references generally teaches a fundamentally different allocator and/or discloses that a resource allocator is manually engaged by a user, etc., **but fails** to recognize the similar teachings in the specification as filed, e.g. user invitations, pg. 5 lines 11-29, pg. 6 lines 3-10, pg. 11 lines 25 to pg. 12 lines 7, etc.

Therefore, the presence and/or usage of the iPulse utility and server, by itself, are evident that the claimed invention is mere modification of the primary reference.

For the at least these reasons, the REJECTION IS MAINTAINED.

Claim Rejections - 35 USC § 112

The 35 USC 112 paragraph rejections presented in the previous office action is withdrawn in light of claim amendments.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1.   Claims 1-27 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Independent claim 1 recites:

A system, functionally associated with at least two client nodes, comprising:
an instant messaging server for supporting instant messages between the at least two client nodes;
a second server for supporting a video conference between the at least two client nodes; and
a video conference allocator, communicatively coupled to said instant messaging server and said second server, said video conference allocator adapted to initiate a video conference in said second server in response to a request for a video conference from said instant messaging server and said allocator is further adapted to communicate to the at least two client nodes, via said instant message server, conference information enabling the at least two client nodes to join the video conference.

Initially, the claim fails to fall into any of the four enumerated category of the patentable subject matter as set forth above.

Although the claim recites the term "system", the claim actually **lacks the necessary physical articles/objects/elements/components to constitute a system**, a machine or a

manufacture within the meaning of 35 USC 101. They are clearly not a series of steps or acts to

be a process nor are they a combination of chemical compounds to be a composition of matter.

As such, they fail to fall within a statutory category. They are, at best, functional

descriptive material *per se*.

[Descriptive material can be characterized as either "functional descriptive material" or
"nonfunctional descriptive material." Both types of "descriptive material" are nonstatutory when
claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. When <u>functional</u>
descriptive material is recorded on some computer-readable medium, it becomes structurally and
functionally interrelated to the medium and will be statutory in most cases since use of
technology permits the function of the descriptive material to be realized. Compare *In re Lowry*,
32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994).

Merely claiming <u>non</u>functional descriptive material, i.e., abstract ideas stored on a
computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not
make the claim statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims
for an algorithm in *Benson* were unpatentable as abstract ideas because "[t]he sole practical
application of the algorithm was in connection with the programming of a general purpose
computer").]

In the instant case, apart from applying broadest reasonable interpretation, the

specification clearly discloses the Instant Messaging server as a piece of software (specification,

pg. 14 L5-10), and based on the broadest reasonable interpretation, the second server and video

conference allocator can simply be interpreted and/or implemented as software components, thus

directing the claim to be interpreted as a computer program and/or software, i.e. software per se.

As such, the claim is not limited to the system comprising physical elements and/or

components.

Hence, the embodiment of the claim fails to place the claimed invention; more

specifically claims 1-27, squarely within one statutory class of invention as set forth above.

The recitation "functionally associated with at least two client nodes" fails to overcome the 35 USC 101 because it fails to teach, disclose and/or suggest a physical element, component, module, etc., to constitute a system within the meaning of 35 USC 101.

Moreover, a software module can be said to be functionally associated with a node(s), modules, processors, etc, without executing the software modules on any hardware device because the software module is intended for execution, however, software module is and/or remains software module, i.e. software per se.

For more information on 35 USC 101, **See MPEP 2106.**

Applicant is advised to take appropriate action.

Claims 2-27 are rejected due to their dependency on claim 1.

The 35 USC 101 rejections with respect to claims 28-54 is withdrawn due to the fact that the claims are directed towards a method.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
such that the subject matter as a whole would have been obvious at the time the invention was made to a person
having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
manner in which the invention was made.

2.   Claims 1-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gudjonsson

et al. (hereinafter Gudjonsson, US 6,564,261) in view of Bruno et al. (hereinafter Bruno, US

6,020,915).

As per claim 1, Gudjonsson teaches a system functionally associated with at least two

client nodes (fig. 9: iPulse utility with voice, text and teleconferencing, col.7, lines 42-51),

comprising:

an instant messaging server for supporting instant messages between the at least two

client nodes (fig. 8-9: the usage of iPulse IM utility implies the usage of IM server, fig 2 item

#3);

a second server for supporting a video conference between video conference participants

using the at least two client nodes (fig. 2 item # 3, col.7, lines 42-51: using SIP protocol, col. 33

L49 to col. 34 L8: MCU);

initiating a video conference between the at least two client nodes in response to request

for such a conference from said instant messaging server such that a video conference may be

initiated between the two clients (col. 24 L 33 to col. 25 L20, fig. 5, fig. 9: iPulse application

with text, voice and web conferencing capability, col.7, lines 42-51, col. 3 L14-28, col. 8 L66 to

col. 9 L40, col. 11 L31-65, col. 12 L55 to col. 13 L50, col. 23 L31 to col. 24 L67: using SIP

protocol to initiate the conference, col. 33 L49 to col. 34 L7: using MCU, col. 37 L35 to col. 38 L7).

However, the Gudjonsson does not disclose resource allocator communicatively coupled to instant messaging server and second server, wherein the allocator is adapted to initiate a video conference in said second server and allocator adapted to communicate to the at least two client nodes, via said instant messaging server, conference information enabling the at least two client nodes to join the video conference.

Bruno discloses a messaging server, i.e. MRCS, and an allocator communicatively coupled to the messaging server and second server, i.e. MCU, wherein the allocator is adapted to initiate a video conference in said second serve, i.e. MCU and allocator adapted to communicate to the at least two client nodes, via said messaging server, conference information enabling the at least two client nodes to join the video conference (col. 4 L67 to col. 5 L9).

Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to modify Gudjonsson in view of Bruno in order to set up and initiate a video conference in the MCU.

One of ordinary skill in the art would have been motivated because it would have enabled meeting and/or conference reservations and resource allocations (Bruno: col. 4 L67 to col. L10).

As per claim 2, Gudjonsson discloses the system wherein at least one of the videoconference participants participates in the videoconference via the public switched telephone network (PSTN) (Gudjonsson: col.7 L35 to col. 8 L34 and fig. 9, col. 25 L1-20).

As per claims 3, Gudjonsson discloses the system wherein at least one of the videoconference participants participates in the videoconference via cellular communication (Gudjonsson, col.3, line 53-54, col. 7 L35 to col. 8 L34, col. 25 L1-20).

As per claim 4, Gudjonsson discloses the system wherein at least one of the videoconference participants participates in the videoconference via a computer (Gudjonsson: fig. 1-4, col.3, line 57, col. 7 L35 to col. 8 L34, col. 25 L1-20).

As per claim 5, Gudjonsson discloses the system wherein at least one of the videoconference participants participates in the videoconference via a network gateway (Gudjonsson: fig. 2 item #1, col. 25 L1-20).

As per claim 6, Gudjonsson discloses the system wherein at least one of the videoconference participants participates in the videoconference via a video conferencing standard protocol (Gudjonsson, col.7, line 60).

As per claim 7, Gudjonsson does not disclose the system wherein at least one of the client nodes participates in the video conference via an ISDN protocol.

Bruno explicitly discloses the system wherein the least one of the client nodes participates in the video conference via an ISDN protocol (col. 3 L40-64).

Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Gudjonsson in view of Bruno in order to enable video conferencing over the ISDN protocol.

One of ordinary skilled in the art would have been motivated because it would have enabled video conferencing over the ISDN network (Bruno: col. 3 L46-64).

As per claim 8, Gudjonsson does not disclose the system wherein at least one of the client nodes participates in the video conference via ATM standard protocol.

Bruno explicitly discloses the system wherein the least one of the client nodes participates in the video conference via ATM standard protocol (col. 3 L45 to col. 4 L46).

Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Gudjonsson in view of Bruno in order to enable video conferencing over the ATM network.

One of ordinary skilled in the art would have been motivated because it would have enabled video conferencing over the ATM network (Bruno: col. 3 L45 to col. 4 L46).

As per claim 9, Gudjonsson discloses the system wherein the instant messaging server contains information related to communication modes of the client nodes used to participate in the video conference (Gudjonsson, col.7, lines 35-67, col. 28 L9-64, col. 35 L4-67).

As per claim 17, Gudjonsson discloses the system further comprising a database communicatively coupled to said instant messaging server for storing information related to the client nodes used to initiate the video conference (Gudjonsson, col.7, lines 35-67, col. 28 L9-64, col. 35 L4-67).

As per claim 18, Gudjonsson discloses the system wherein the instant messaging server receives the information from the database (Gudjonsson, col.7, lines 35-67, col. 28 L9-64, col. 35 L4-67).

As per claim 27, Gudjonsson discloses the system wherein the second server is a network video conferencing server, which supports videoconferences using a network video conferencing

protocol (Gudjonsson, col.7, line 60; col. 33 L49 to col. 34 L8, fig. 2 item #3, and fig. 9: iPulse

application).

As per claims 10-16, 19-26, 28-54, they do not teach or further define over the limitations

in claims 1-9, 17, 18 and 27. Therefore claims 10-16, 19-26, 28-54 are rejected for the same

reasons as set forth in claims 1-9, 17, 18 and 27.

Additional References

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

- Liversidge et al., Pub. No.: US 2002/0076025 A1: Method and System for
  Automatic Handling of Invitations to join communications session in a virtual
  team environment.

- Stimmel, US 6,678,719: Virtual Workplace intercommunication tool.

- Tang et al., US 5,793,365: Providing User Interface enabling access to distributed
  workgroup members.

Conclusion

Examiner's Remarks: The teachings of the prior art should not be restricted and/or limited to the citations by columns and line numbers, as specified in the rejection. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

In the case of amendments, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and support, for ascertaining the metes and bounds of the claimed invention.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAMAL B. DIVECHA whose telephone number is (571)272-5863. The examiner can normally be reached on Increased Flex Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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